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# Supreme Court of the United States

October Term, 1962

No. 119

WILLIAM J. MURRAY, III, Infant, etc., *et al.*,  
*Petitioners.*

against

JOHN N. CURLETT, *et al.* and BOARD OF SCHOOL  
COMMISSIONERS OF BALTIMORE CITY,  
*Respondents.*

No. 142

SCHOOL DISTRICT OF ABINGTON TOWNSHIP, *et al.*,  
*Appellants.*

against

EDWARD LEWIS SCHEMP, *et al.*,  
*Respondents.*

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**MOTION BY THE AMERICAN ETHICAL UNION  
FOR LEAVE TO FILE A BRIEF AS  
AMICUS CURIAE**

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*Appellants,*

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*Respondents.*

## MOTION BY THE AMERICAN ETHICAL UNION FOR LEAVE TO FILE A BRIEF AS *AMICUS CURIAE*

The American Ethical Union hereby respectfully moves for leave to file a brief *amicus curiae* in these cases. Counsel for the Petitioners in No. 119 and Counsel for the Respondents and for Intervenor-Appellants in No. 142 have consented to the filing by movant of a brief *amicus curiae* but counsel for the respective school boards, the Respondents

in No. 119 and the Appellants in No. 142, have advised that they would neither consent to nor oppose the filing of a brief *amicus*.

The American Ethical Union is a federation of Ethical Culture Societies and Fellowships in the United States, which, collectively, constitute a liberal religious fellowship known as the "Ethical Movement" or the "Ethical Culture Movement." There are now thirty Societies and Fellowships in eleven states and the District of Columbia, including the States of Maryland and Pennsylvania.

The American Ethical Union is a member of the International Humanist and Ethical Union, which held its third International Congress in Oslo in 1962. The International organization includes groups representing more than 24 countries, including the United States, Great Britain, Belgium, Holland, Austria, India, Norway, France, Germany, Japan and South Africa.

Ethical Culture is a religion and has been widely recognized as such. The Ethical Culture Societies and Fellowships conduct services and religious schools for children which meet regularly on Sunday mornings. The Leaders of the Ethical Culture Societies, some of them drawn from the ordained ministry of other religious groups, are required to have advanced degrees, post-graduate study in religion and philosophy and to take an intensive course of training before appointment and admission to the Fraternity of Leaders of the American Ethical Union. The Leaders provide the usual pastoral services customarily performed by ministers of religion, such as officiating at marriages, funerals and naming ceremonies, and counselling members of the Societies on ethical and moral problems.

The Ethical Movement believes that:

"Whether one does or does not believe in God, prayer or immortality, is one's own affair. Membership in an Ethical Society is not conditioned on acceptance or rejection of any one answer to such questions. In the Ethical Movement the good life and the rights and duties of human beings are looked upon as stemming from man's relations to man in the family of mankind." [Do YOU KNOW THE ETHICAL MOVEMENT?, pamphlet published by the American Ethical Union, 2 West 64th Street, New York 23, N. Y. p. 3.]

This Court has held non-theistic beliefs to be religions entitled to protection under the Fourteenth Amendment and has specifically recognized Ethical Culture as such a religion. *Torcaso v. Watkins*, 367 U. S. 488, n. 11; *Engel v. Vitale*, 368 U. S. 924. The American Ethical Union participated as *amicus curiae* in the *Torcaso* and *Engel* cases to present the position of the Ethical Culture Movement and other non-theistic religions.

The issue presented to the Court by these cases is whether public schools may lawfully include readings from the Bible or recitation of the Lord's Prayer as part of their daily opening exercises in the light of the First and Fourteenth Amendments to the Constitution of the United States. The interest of the American Ethical Union stems from its position as the central organization of the Ethical Culture Movement in the United States. The Ethical Culture Movement takes no doctrinaire position on prayer, on the writings found in any of the Holy Bibles or Scriptures of the world, or on the existence of a Supreme Being, but rather leaves to each of its members the freedom to decide the spiritual value of such matters on a personal basis.

4  
Ethical Culture members hold differing views on these subjects. Their affiliation with the Ethical Culture Movement is founded upon their right to hold such beliefs and to be free of imposed religious dogma or religious exercises.

Reading from the Bible and reciting the Lord's Prayer are religious exercises of particular sects or denominations.

Members of Ethical Culture Societies in the States of Maryland and Pennsylvania and in other states throughout the United States have children attending public schools who are subjected to the practices here at issue. Such practices, therefore, directly infringe upon the rights of the parents and their children to follow their own religious beliefs and to be free of the imposition of the religious beliefs and practices of others.

Accordingly, we request permission to file a brief *amicus curiae* in these cases, in order to place before this Court considerations related to the effect of the decisions below on members, and children of members, of the Ethical Culture Movement and of other non-theistic religions.

Respectfully submitted,

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